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Patent ☒ Trademark ☒ Docket No. 000309.00202
Serial No. 09/928,044 Filed August 11, 2001
Inventor(s) Jon M. Bishay
For: Method and Apparatus for Deploying A Percutaneous Probe
By: TW:jm Due Date:

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| <input type="checkbox"/> Check in the amount of \$ | <input type="checkbox"/> Assignment w/PTO-1595 (pgs.) |
| <input type="checkbox"/> Fee Transmittal for FY 2004 | <input type="checkbox"/> Priority Document () |
| <input type="checkbox"/> Resp. to Notice to File Missing Parts | <input type="checkbox"/> Replacement Drawing (sheet(s)) |
| <input type="checkbox"/> Declaration & POA (executed) | <input checked="" type="checkbox"/> IDS/PTO-1449 (153 Refs. - 3 Stacks) |
| <input type="checkbox"/> Pet. for Ext. of Time (months) | <input type="checkbox"/> Fee(s) Transmittal (Issue/Publication fees) |
| <input type="checkbox"/> Election/Resp. to Rest. Requirement | <input type="checkbox"/> RCE Transmittal |
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| <input type="checkbox"/> Other: | |

Receipt by the USPTO is hereby acknowledged of the papers filed as indicated in connection with the above-identified case.

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EXAMINER GEORGE EVANISKO
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ROOM 3B18

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JUL 15 2004

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Docket No. 000309.00202

EXPEDITED HANDLING REQUESTED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Jon M. Bishay.

SERIAL NO: 09/928,044

GAU: 3762

FILED: August 11, 2001

EXAMINER: George R. Evanisko

FOR: Method and Apparatus for Deploying A Percutaneous Probe

RE-FILED
INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA. 22313-1450

SIR:

Applicant wishes to disclose the following information.

The references attached hereto and listed on form PTO-1449 were previously submitted to the U.S. Patent and Trademark Office in an Information Disclosure Statement filed on August 5, 2002. In the Office Action dated December 3, 2003, the Examiner stated that the "information disclosure statement filed 8/5/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed....Several of the references listed were not in either parent case".

No item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in any counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement.

Pursuant to the Examiner's comments in the Office Action dated December 3, 2003, applicants submit for consideration the references listed in form PTO-1449 attached hereto. The references that are deemed most pertinent by the applicant are marked with an "X" in the right hand column on form PTO-1449.

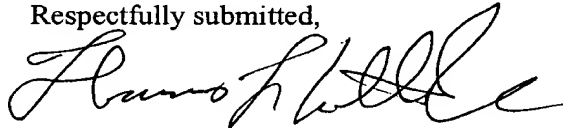
It is respectfully requested that the Examiner give expedited consideration to these disclosures so that applicant meets all certification requirements for statements under 37 CFR 1.97(e).

Pursuant Examiner Evanisko's suggestion in a telephone conference with applicant's attorney on July 12, 2004, it is respectfully requested that the U.S. patents cited on Form PTO-1449 attached hereto also be considered for applicant's copending application Serial No. 09/751,382. These references were included but not submitted with the Information Disclosure Statement filed on May 26, 2004.

If there are any questions relating to document or the references attached hereto, it is respectfully requested that the Examiner telephone the undersigned attorney to resolve such issues so that the attached references can be entered in the record before payment of the issue fee due on August 7, 2004.

Please charge the fee of \$180.00 and any additional fees that may be required to Deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Thomas Willis
Attorney for Applicant
Reg. No. 53,778

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
Form PTO-1449 (Modified)
(Use several sheets if necessary)

COMPLETE IF KNOWN

Application Number	09/928,044
Confirmation Number	7172
Filing Date	August 11, 2001
First Named Inventor	Jon M. Bishay
Group Art Unit	3762
Examiner Name	George R. Evanisko
Attorney Docket No.	000309.00202

Sheet 1 of 12

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
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Examiner					Date Considered	



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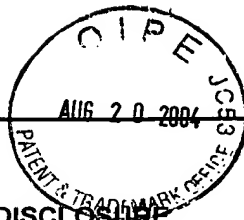
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(Use several sheets if necessary)		Group Art Unit 3762
		Examiner Name George R. Evanisko
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FOREIGN PATENT DOCUMENTS

		Foreign Patent or Application				Date of Publication or	TRANSLATION YESNO		
						Filing Date			
Examiner	Cite	Kind Code			Name of Patentee or Applicant				of Cited
Initial	No.	Office	NUMBER	(if known)	of Cited Document				Document
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OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	PERTINENT
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Date Considered



OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

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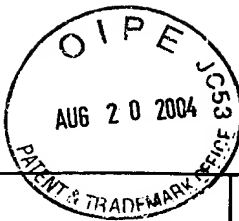
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Sheet 10 of 12

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	PERTINENT
		MARCHAND, S. et al., "Modulation of Heat Pain Perception by High Frequency Transcutaneous Electrical Nerve Stimulation (TENS)," The Clinical Journal of Pain (1991) 7: pp. 122-129, Raven Press Ltd., New York	
		Model AWQ-104B Multi-Purpose Electronic Acupunctoscope Instruction Manual, 10 pages.	
		MORENO-ARANDA, J. et al., "Electrical Parameters for Over-the-Skin Muscle Stimulation," J. Biomechanics, (1981) Vol. 14, No. 9, pp. 579-585, Pergamon Press Ltd.	
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Date Considered



**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT
Form PTO-1449 (Modified)
(Use several sheets if necessary)**

COMPLETE IF KNOWN

Application Number	09/928,044
Confirmation Number	7172
Filing Date	August 11, 2001
First Named Inventor	Jon M. Bishay
Group Art Unit	3762
Examiner Name	George R. Evanisko
Attorney Docket No.	000309.00202

Sheet 11 of 12

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		Pointer F-3 Instruction Manual, ITO Co., Ltd., Tokyo, Japan (1999), 12 pages.	
		Radionics products brochure. "A Significant Breakthrough Using Pulsed Radiofrequency for Pain Management", includes RF Lesion Generator System, Model RFG-3C Plus, (1997), Radionics, Burlington, MA, 10 pages.	
		Rehabicare Ortho Dx product brochure. "Reduce Rehabilitation Time and Enhance Patient Comfort with Ortho Dx", Rehabicare, New Brighton, MN, 2 pages.	
		Rehabicare SMP-plus product brochure. "SMP-plus. The Pain Relief Solution for Hard to Treat Patients", Rehabicare, New Brighton, MN (1999) 2 pages.	
		Rehabicare SporTX Product Data Sheet, 1 page.	
		Rehabicare SporTX Quick Set-Up Instructions, "SPORTX. Get back in the GAME!", Rehabicare, New Brighton, MN, 2 pages.	
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		STAROBINETS, M. et al., "Analgesic Effect of High-Frequency and Acupuncture Like Transcutaneous Electric Stimulation of Nerve Fibers in Spinal Osteochondrosis," (Russian) Zhurnal Nevropatologii I Psikhiatrii Imeni S.S. Korsakova (1985) 85, (3) pp. 350-354	
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		WHITE, P. et al. "Percutaneous Neuromodulation Therapy: Does the Location of Electrical Stimulation Effect the Acute Analgesic Response?", Anesthesia & Analgesia (October 2000) 91: 1-6.	X
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		PCT International Search Report for International Application No. PCT/US02/25551; mailed 18 Feb 2003; Applicant: Vertis Neuroscience, Inc. 8 pgs	

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